

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

EDIE L. HOLCOMB,

Plaintiff,

v.

Case No. 07-C-359

**KENOSHA UNIFIED SCHOOL
DISTRICT NO. 1, ERIC OLSON,
PAM STEVENS, J. DAVID FOUNTAIN,
BERNARD E. ENGLUND, MARK HUJIK,
GILBERT OSTMAN and MARK STALKER,**

Defendants.

DECISION AND ORDER

This matter comes before the Court on the plaintiff's motion to remand. The plaintiff, Edie Holcomb ("Holcomb"), initially filed this lawsuit in Kenosha County Circuit Court alleging a breach of her employment contract and a violation of the Due Process Clause of the Fourteenth Amendment. The defendants removed the case based on this Court's original jurisdiction over the federal due process claim. Holcomb then properly filed a notice voluntarily dismissing her federal due process claim pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. She also filed the pending motion to remand, to which the defendants did not respond.

The Court no longer has original jurisdiction in this case because the only claim that remains is Holcomb's breach of contract claim that is based entirely upon state law. While the Court may still exercise supplemental jurisdiction over the state law claim, there is no reason to do so here. The Seventh Circuit observed that when "the federal claim drops out before trial . . . and only the supplemental jurisdiction provides any basis for decision, then remand is presumptively appropriate." *Cadleway Properties, Inc. v. Ossian State Bank*, 478 F.3d 767, 769-70 (7th Cir. 2007). The defendants did not overcome the presumption in favor of remand, as they did not even file a response brief. Accordingly, the Court remands this matter back to Kenosha County Circuit Court.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

Holcomb's Motion to Remand (Docket No. 6) is **GRANTED**.

Dated at Milwaukee, Wisconsin this 30th day of May, 2007.

BY THE COURT

s/ Rudolph T. Randa
Hon. Rudolph T. Randa
Chief Judge